

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PAN AMERICAN AIRWAYS CORP.,

Plaintiff,

v.

ROBERT E. BARNES,

Defendant.

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Civil Action No. 04-10515-JLT

ORDER

November 2, 2004

TAURO, J.

After a conference on November 2, 2004, this court hereby orders that:

1. Defendant's Motion for Summary Judgment on Counts I and IV of Plaintiff/Counter-Defendant's Amended Complaint [#15] is DENIED WITHOUT PREJUDICE, subject to refile after the completion of discovery;
2. Defendant's Motion to Strike Facts 1 Through 5 and Fact 8 of Plaintiff's Statement of Material Facts and Request to File Reply Brief to Plaintiff's Reply to Defendant's Motion for Summary Judgment [#22] is DENIED AS MOOT;
3. Defendant's Motion to Disregard Plaintiff/Counter-Defendant's Declaration in Support of its Reply to Barnes' Partial Summary Judgment Motion [#25] is DENIED AS MOOT;
4. Plaintiff/Counter-Defendant's Motion Pursuant to F.R.C.P. 56(f) [#30] is ALLOWED.

5. The Parties shall comply with this court's Rule 26 Discovery Order [#14] by November 12, 2004;
6. Plaintiff may depose Robert E. Barnes, Defendant's treating physician, Dave Burrell, and Paul W. Hubbard;
7. Defendant may conduct a Rule 30(b)(6) deposition of Pan American Airways Corp.;
8. Defendant may depose the following individuals: (1) Steve Legere, (2) Dave Mailhot, (3) David Forney, (4) Steward Beck, (5) Eduard Stalzer, (6) Anthony Liguori, (7) Dave Burrell, (8) Ken Goodsell, and (9) Paul W. Hubbard;
9. The abovementioned discovery shall be completed by March 31, 2005; and
10. A Further Conference is scheduled for April 11, 2005 at 10:00 a.m.

IT IS SO ORDERED.

/s/ Joseph L. Tauro
United States District Judge